## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION

CHARITY MICHELLE BURR,

Plaintiff,

v. Case No: 8:21-cv-1325-CEH-AEP

ANDREW SAUL,

Defendant.

## ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Anthony E. Porcelli on November 15, 2021 (Doc. 17). In the Report and Recommendation, Magistrate Judge Porcelli recommends that: (1) the Acting Commissioner of the Social Security Administration's Motion to Dismiss (Doc. 16) be denied and (2) the Acting Commissioner of the Social Security Administration be directed to respond to the Amended Complaint within an amount of time allotted by the district judge. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

## **ORDERED AND ADJUDGED:**

(1) The Report and Recommendation of the Magistrate Judge (Doc. 17) is

adopted, confirmed, and approved in all respects and is made a part of

this Order for all purposes, including appellate review.

(2) The Acting Commissioner of the Social Security Administration's

Motion to Dismiss (Doc. 16) is DENIED.

(3) The Acting Commissioner of the Social Security Administration is

directed to respond to the Amended Complaint (Doc. 7) on or before

December 17, 2021. The Court notes that an answer to the complaint

was filed on December 2, 2021 (Doc. 18). Although unclear, the answer

appears to be an answer to the amended complaint.

**DONE AND ORDERED** at Tampa, Florida on December 3, 2021.

Charlene Edwards Horeywell
Charlene Edwards Honeywell

United States District Judge

Copies to:

The Honorable Anthony E. Porcelli

Counsel of Record